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Steven E. Wickstrum
Casitas Municipal Water District
1055 Ventura Ave.
Oak View, CA 93022

CONDITIONAL CERTIFICATION FOR PROPOSED ENCASEMENT OF THE OJAI VALLEY MAIN AT SAN ANTONIO CREEK PROJECT (CORPS' PROJECT NO. 2001-01401-JWM), SAN ANTONIO CREEK AND VENTURA RIVER, CITY OF OJAI, VENTURA COUNTY (FILE NO. 01-135)

Dear Mr. Wickstrum:

Regional Board staff has reviewed your request on behalf of Casitas Municipal Water District (the Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 18, 2002.

I hereby certify that any discharge from encasement of the Ojai Valley Main at San Antonio Creek, as proposed and described in Attachment A, if performed in accordance with all applicable water quality objectives, prohibitions, and policies set forth in the *Water Quality Control Plan, Los Angeles Region* (1994), and in accordance with the conditions specified in Attachment B, will comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act.

The Applicant shall be liable civilly for any violations of this certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this certification action, please contact Jason Lambert, Section 401 Program, at (213) 576-5733.

[Original signed By:]

[November 6, 2002]

Dennis A. Dickerson

Date

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption

***For a list of simple ways to reduce demand and cut your energy costs, see the tips at:
<http://www.swrcb.ca.gov/news/echallenge.html>***



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

ATTACHMENT A

Project Information
File No. 01-000

Executive Officer

DISTRIBUTION LIST

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ATTACHMENT A

Project Information File No. 01-135

1. Applicant: Steven E. Wickstrum
Casitas Municipal Water District
1055 Ventura Ave.
Oak View, CA 93022
Phone: (805) 649-2251 Fax: (805) 649-3001
2. Applicant's Agent: None
3. Project Name: Encasement of the Ojai Valley Main at San Antonio Creek
4. Project Location: Approximately 50 feet south of the State Highway 150 Bridge crossing of San Antonio Creek, Ventura County.
Longitude: 119.225; Latitude: 34.47222
5. Type of Project: Pipeline Encasement
6. Project Description: The purpose of the project is to protect the Ojai Valley water main from damages during storm flows in San Antonio Creek. Currently, 38 feet of the pipeline is exposed within San Antonio Creek and would be subject to failure during winter storm events, due to undermining and collision with storm-carried debris. The proposed project consists of adding 60 feet of reinforced concrete encasement to the existing encasement to protect the pipeline. A sharp-crested stone weir will be placed on the downstream side of the encasement. The slope of the stone will rise to 18 inches over a four-foot run, and will incorporate a gradual slope to the rock surface to best allow for fish passage.
7. Federal Agency/Permit: U.S. Army Corps of Engineers
NWP No. 7 and 33 (Permit No. 2001-01401-JWM)
8. Other Required Regulatory Approvals: California Department of Fish and Game
Streambed Alteration Agreement (Notification No. 5-2001-0355)

ATTACHMENT A

Project Information File No. 01-135

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| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15301 (Existing Facilities). |
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| 10. Receiving Water: | San Antonio Creek (Hydrologic Unit No. 402.32) |
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| 11. Designated Beneficial Uses: | MUN, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD, MIGR, SPWN, WET |
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| 12. Impacted Waters of the United States: | Non-wetland waters (unvegetated streambed): 0.02 permanent acres, and 0.08 temporary acres |
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| 13. Dredge Volume: | None |
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| 14. Related Projects Implemented/to be Implemented by the Applicant: | The Applicant has not identified any related projects carried out in the last 5 years or planned for implementation in the next 5 years. |
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| 15. Avoidance/ Minimization Activities: | <p>The Applicant has proposed several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• The channel floor will be finish graded during the construction of the encasement in order to eliminate irregular grade changes; and• Work will occur when the creek is dry. |
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| 16. Compensatory Mitigation: | The Applicant shall provide compensatory mitigation by creating or enhancing no less than 0.06 acres of jurisdictional waters (a 3:1 ratio) in order to offset the proposed permanent project impacts. |

ATTACHMENT A

Project Information **File No. 01-135**

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 01-135

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the state.**
2. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.
3. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
4. The Applicant shall not conduct any maintenance activities within waters of the state during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any maintenance activities are to be held within five (5) days of a predicted rainfall event, the Applicant

ATTACHMENT B

Conditions of Certification File No. 01-135

shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.

5. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
6. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
7. The Applicant shall restore all areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species. The Applicant shall implement appropriate Best Management Practices to control erosion and runoff from areas associated with this project.
8. The Applicant shall provide COMPENSATORY MITIGATION for the proposed permanent impacts to **0.02 acres** of jurisdictional waters of the United States by creating or restoring jurisdictional habitat at a minimum 3:1 area replacement ratio (0.06 acres). As an alternative, the Applicant may provide adequate funding to a third party organization for the creation or restoration

ATTACHMENT B

Conditions of Certification File No. 01-135

of a total of 0.1 acres of riparian habitat within waters of the United States. The location of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude in decimal degrees format. This information shall be submitted to this Regional Board within ninety (90) days of issuance of this certification, and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

9. The Applicant shall submit to this Regional Board **Annual Monitoring Reports** documenting the success of all restoration and mitigation efforts, including, percent survival by plant species and percent cover. The reports shall include discussion of any monitoring activities and exotic plant control efforts. Representative photographs from designated stations shall be included in the reports. The reports shall be submitted by **January 1st** of each year for a period of **five (5) years** after planting.
10. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **01-135**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
11. The Applicant shall have copies of this certification and all other regulatory approvals on site at all times, and all contractors employed by the Applicant shall be made aware of the conditions of this certification.
12. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
13. *Enforcement:*
 - (a) In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification.
 - (b) In response to a suspected violation of any condition of this certification, the State Water Resources Control Board (SWRCB) may require the holder of any permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the

ATTACHMENT B

Conditions of Certification File No. 01-135

SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.

- (c) In response to any violation of the conditions of this certification, the SWRCB may add to or modify the conditions of this certification as appropriate to ensure compliance.